

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARYANN DOWNEY,	:	CIVIL ACTION NO. 1:14-CV-1297
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
ROAD AND RAIL SERVICES, INC.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 2nd day of February, 2015, upon consideration of defendant's motion (Doc. 10) to dismiss and plaintiff's motion (Doc. 21) for leave to file an amended complaint, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Defendant's motion (Doc. 10) to dismiss is GRANTED in part and DENIED in part as follows:
 - a. Counts I and IV of the complaint (Doc. 1) are DISMISSED with prejudice; and
 - b. The motion is otherwise DENIED.
2. Plaintiff's motion (Doc. 21) for leave to file an amended complaint is GRANTED in part and DENIED in part as follows:
 - a. Plaintiff is GRANTED leave to file, within twenty (20) days of this order, an amended complaint with respect to Counts II and V of the complaint; and
 - b. The motion is otherwise DENIED.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania